

**ASSEMBLY BILL**

**No. 1463**

**Introduced by Assembly Member Negrete McLeod**

February 21, 2003

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An act to amend Sections 19858.1 and 19858.4 of the Government Code, relating to state employees.

LEGISLATIVE COUNSEL'S DIGEST

AB 1463, as introduced, Negrete McLeod. State employees: leave.

Existing law provides that each state officer and employee who is excluded from the definition of state employee for the purposes of the Ralph C. Dills Act, which regulates state employer-employee relations, shall receive a specified fraction or number of days per month in annual leave credit or vacation credit, depending on their years of service.

This bill would increase the amount of annual leave or vacation credit awarded per month to excluded employees.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 19858.1 of the Government Code is  
2 amended to read:

3 19858.1. (a) Except as provided in subdivision (c), following  
4 completion of six months of continuous service, for each  
5 completed calendar month of service, except as provided in  
6 Section 19858.2, each state officer and employee who is employed  
7 full time shall receive credit for vacation with pay in accordance  
8 with the following schedule:

9

1	1 month to 3 years . . . . .	$\frac{5}{6}$ day per month
2	37 months to 10 years . . . . .	$1\frac{1}{4}$ days per month
3	121 months to 15 years . . . . .	$1\frac{5}{12}$ days per month
4	181 months to 24 years . . . . .	$1\frac{7}{12}$ days per month
5	289 months and over . . . . .	$1\frac{2}{3}$ days per month

6

7 The computation of credit for the month of January 1964, and  
 8 each month thereafter, shall be based upon the schedule set forth  
 9 in this subdivision, except that the rate of vacation credit allowed  
 10 shall not be reduced for any officer or employee employed prior  
 11 to January 1, 1964. The time when vacation shall be taken shall be  
 12 determined by the appointing power of the officer or employee.

13 (b) If the provisions of subdivision (a) are in conflict with the  
 14 provisions of a memorandum of understanding reached pursuant  
 15 to Section 3517.5, the memorandum of understanding shall be  
 16 controlling without further legislative action, except that if the  
 17 provisions of a memorandum of understanding require the  
 18 expenditure of funds, the provisions shall not become effective  
 19 unless approved by the Legislature in the annual Budget Act.

20 (c) Following completion of six months of continuous service,  
 21 for each completed calendar month of service, except as provided  
 22 in Section 19858.2, each state officer and employee who is  
 23 employed full time and is either excluded from the definition of  
 24 state employee in subdivision (c) of Section 3513, or is a  
 25 nonelected officer or employee of the executive branch of  
 26 government who is not a member of the civil service, shall receive  
 27 credit for vacation in accordance with the following schedule:

28

29	1 month to 3 years . . . . .	$\frac{7}{8}$ $1\frac{1}{8}$ day per month
30	37 months to 10 years . . . . .	<del><math>\frac{13}{8}</math></del> $1\frac{5}{8}$ days per month
31	121 months to 10 years . . . . .	<del><math>\frac{15}{8}</math></del> $1\frac{7}{8}$ days per month
32	181 months to 20 years . . . . .	<del><math>\frac{13}{4}</math></del> 2 days per month
33	241 months to 25 years . . . . .	<del><math>\frac{17}{8}</math></del> $2\frac{1}{8}$ days per month
34	301 months and over . . . . .	$\geq 2\frac{1}{4}$ days per month

35

36 The time when vacation shall be taken shall be determined by  
 37 the appointing power of the officer or employee.

38 SEC. 2. Section 19858.4 of the Government Code is amended  
 39 to read:

1 19858.4. In lieu of the sick leave and vacation provisions of  
2 Sections 19858.1 and 19859, eligible employees, as defined by  
3 subdivisions (a), (b), and (c) of Section 19858.3, may elect to  
4 participate in an annual leave program. Each employee who has  
5 elected to participate in the annual leave program and who is  
6 employed full time shall receive credit for annual leave with pay  
7 in accordance with the following schedule:

8		
9	1 month to 3 years . . . . .	<del>11</del> 13 hours per month
10	37 months to 10 years . . . . .	<del>15</del> 17 hours per month
11	121 months to 15 years . . . . .	<del>17</del> 19 hours per month
12	181 months to 20 years . . . . .	<del>18</del> 20 hours per month
13	241 months to 25 years . . . . .	<del>19</del> 21 hours per month
14	301 months and over . . . . .	<del>20</del> 22 hours per month

15  
16 Part-time and hourly employees shall accrue proportional  
17 annual leave credits based on the schedule in this section. The time  
18 when annual leave shall be taken shall be determined by the  
19 appointing power of the officer or employee. Employees shall  
20 have use of any accrued sick leave they have accrued at the time  
21 they elect the annual leave program under the same conditions as  
22 other employees not participating in the program.

23 The department shall provide by rule for the regulation and  
24 accumulation of annual leave, the effect of an absence from the  
25 payroll of 10 work days or less in any calendar month upon credit  
26 for annual leave, methods by which employees leaving the  
27 employment of one state agency and entering the employment of  
28 another state agency may be compensated for, transfer, or  
29 otherwise receive proper credit for, their accumulated annual  
30 leave, and other provisions necessary for the administration of this  
31 section.

